

REMARKS

Applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Status of the Claims

Claims 1-13 are currently pending in the present application. Each of the pending claims stands rejected. Claims 1, 4, 5 and 7 have been amended herein.

Rejections Under 35 U.S.C. § 112, ¶ 2

1. The Examiner has rejected claim 5 under 35 U.S.C. § 112 "as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention." Claim 5 has been amended in accordance with the Examiners suggestion to provide proper antecedent basis. Specifically, at line 4, "a" has been changed to --said--. Applicants, therefore, respectfully request that this ground of rejection be withdrawn.

Rejections Under on 35 U.S.C. § 102

2. Claims 1-10, 12 and 13 have been rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 5,644,955 to Yamamoto. Applicants respectfully traverse the rejection.

Applicants' invention as defined in amended claim 1 is directed to an axle housing assembly for receiving a drive axle for an industrial forklift. This axle housing unit comprises, inter alia, an axle housing having a differential housing with a body thereof and a pair

of axle tubes mounted on said body wherein the body is integrally formed. The term "body" as used in the specification of the present application means a housing portion formed as an integral unit and supporting the axle tube. A repulsive force receiving portion is formed on this body. Thus, the issue of tolerance is restricted to the relationship between the body, the axle tube, and the support means (bracket) only.

In Yamamoto, by contrast, the differential housing 23 supporting the axle tube, and the carrier cover 30 provided with a repulsive force receiving member are two separate members. It does not matter which of the two corresponds to the body or the cover. What matters is that the axle tube and the repulsive force receiving member are provided on different components. Thus, in Yamamoto, tolerance between the housing 23 and the cover 30 constitutes a further problem in addition to that of the present case.

With respect to claim 1, Applicants respectfully submit that Yamamoto fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Since Yamamoto fails to disclose or suggest at least one element of amended claim 1, Applicants respectfully submit that this claim patentably distinguishes over Yamamoto.

Dependent claims 2-6 each depend either directly or indirectly on independent claim 1 and, therefore, incorporate each limitation of claim 1. Thus, claims 2-6 are allowable over Yamamoto for the same reasons stated above for claim 1.

With respect to amended claim 7, Applicants respectfully submit that Yamamoto fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Since

of axle tubes mounted on said body wherein the body is integrally formed. The term "body" as used in the specification of the present application means a housing portion formed as an integral unit and supporting the axle tube. A repulsive force receiving portion is formed on this body. Thus, the issue of tolerance is restricted to the relationship between the body, the axle tube, and the support means (bracket) only.

In Yamamoto, by contrast, the differential housing 23 supporting the axle tube, and the carrier cover 30 provided with a repulsive force receiving member are two separate members. It does not matter which of the two corresponds to the body or the cover. What matters is that the axle tube and the repulsive force receiving member are provided on different components. Thus, in Yamamoto, tolerance between the housing 23 and the cover 30 constitutes a further problem in addition to that of the present case.

With respect to claim 1, Applicants respectfully submit that Yamamoto fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Since Yamamoto fails to disclose or suggest at least one element of amended claim 1, Applicants respectfully submit that this claim patentably distinguishes over Yamamoto.

Dependent claims 2-6 each depend either directly or indirectly on independent claim 1 and, therefore, incorporate each limitation of claim 1. Thus, claims 2-6 are allowable over Yamamoto for the same reasons stated above for claim 1.

With respect to amended claim 7, Applicants respectfully submit that Yamamoto fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Since

Yamamoto fails to disclose or suggest at least one element of amended claim 7, Applicants respectfully submit that this claim patentably distinguishes over Yamamoto.

Dependent claims 8-13 each depend either directly or indirectly on independent claim 7 and, therefore, incorporate each limitation of claim 7. Thus, claims 8-13 are allowable over Yamamoto for the same reasons stated above for claim 7.

For the foregoing reasons, Applicants respectfully request that this ground of rejection be withdrawn.

3. Claims 1-10, 12 and 13 have been rejected as being anticipated under 35 U.S.C. § 102(b) by U.S. Patent No. 863,604 to Herzog. Applicants respectfully traverse the rejection.

With respect to claim 1, Applicants respectfully submit that Herzog fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. In Herzog, the differential housing 8 is divided into upper and lower housing portions, and the axle tube is supported by the mating surfaces thereof. While in the present application the body formed as an integral unit supports both the axle tube and the repulsive force receiving member while Herzog's structure still involves two housings for supporting them. Furthermore, in Herzog's structure, tolerance between the upper and lower housing portions of the housing constitutes a problem. Thus, the structures of these citations cannot achieve a reduction in the number of parts, which causes the problem of tolerance. Since Herzog fails to disclose or suggest at least one element of amended claim 1, Applicants respectfully submit that this claim patentably distinguishes over Herzog.

Dependent claims 2-6 each depend either directly or indirectly on independent claim 1 and, therefore, incorporate each limitation of claim 1. Thus, claims 2-6 are allowable over Herzog for the same reasons stated above for claim 1.

With respect to amended claim 7, Applicants respectfully submit that Herzog fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Since Herzog fails to disclose or suggest at least one element of amended claim 7, Applicants respectfully submit that this claim patentably distinguishes over Herzog.

Dependent claims 8-13 each depend either directly or indirectly on independent claim 7 and, therefore, incorporate each limitation of claim 7. Thus, claims 8-13 are allowable over Yamamoto for the same reasons stated above for claim 7.

For the foregoing reasons, Applicants respectfully request that this ground of rejection be withdrawn.

Rejections Based on 35 U.S.C. § 103

4. Claim 11 has been rejected under 35 U.S.C. § 103(a) "as being unpatentable over Yamamoto in view of Pegg." Applicants respectfully traverse this rejection.

Applicants respectfully submit that neither Yamamoto nor Pegg, individually or in combination, disclose or suggest an axle housing as recited in amended claim 7. The axle housing unit recited in amended claim 7 comprises, inter alia, an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Claim 11 depends on claim 7.

As discussed above, Applicants respectfully submit that the axle housing in Yamamoto fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Pegg does nothing to remedy this deficiency. Thus, without admitting that it is proper to combine Yamamoto with Pegg, Applicants respectfully submit that no combination of the elements taught by these two references achieves the axle housing unit recited in amended claim 11. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

5. Claim 11 has been rejected under 35 U.S.C. § 103(a) "as being unpatentable over Herzog in view of Pegg." Applicants respectfully traverse this rejection.

Applicants respectfully submit that neither Herzog nor Pegg, individually or in combination, disclose or suggest an axle housing as recited in amended claim 7. The axle housing unit recited in amended claim 7 comprises, inter alia, an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Claim 11 depends on claim 7.

As discussed above, Applicants respectfully submit that the axle housing in Herzog fails to disclose or suggest an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body wherein the body is integrally formed. Pegg does nothing to remedy this deficiency. Thus, without admitting that it is proper to combine Herzog with Pegg, Applicants respectfully submit that no combination of the elements taught by these two references achieves the axle housing unit recited in claim 11. Therefore, Applicants respectfully request that this ground of rejection be withdrawn.

CONCLUSION

For these reasons, it is believed that all of the claims as presently presented, are patentable, and that this application is now in allowable condition.

Respectfully submitted,
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ATTACHMENT

1. (Twice amended) An axle housing assembly comprising:

an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body, the body being integrally formed;

a support means adapted for mounting to a base frame for supporting said axle housing;

a repulsive force receiving member provided on the body of said differential housing for coupling said differential housing integrally with said support means.

4. (Amended) An axle housing assembly according to claim 3, wherein said repulsive force receiving member [includes] is secured to one of said pair of axle brackets by a repulsive force receiving bolt [for coupling] so that said body [with one of said pair of axle brackets] is integrally mounted on the base frame.

5. (Twice amended) An axle housing assembly according to claim 4, wherein a thick portion projecting toward said body is formed on the one of said pair of axle brackets,

said [a] repulsive force receiving member further including a portion integrally [being] formed on said body,

said repulsive force receiving bolt being caused to pass through said thick portion and said portion of said repulsive force receiving member.

7. (Amended) An axle housing assembly comprising:

an axle housing having a differential housing with a body thereof and a pair of axle tubes mounted on said body, the body being integrally formed;

support brackets for supporting said axle housing on a base frame;

a repulsive force receiving member extending generally vertically from the body of said differential housing for coupling said differential housing integrally with at least one of said support brackets; and

a fastener extending through and securing together the repulsive force receiving member and said one support bracket.